IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Crl.MC.No. 2588 of 2007()

S.C.NO.349/2007 AND 1/2006 OF COURT OF SESSIONS, ALAPPUZHA

PETITIONER: ACCUSED NOS.1 AND 2

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1. UNNI S/O.RAMACHANDRAN, KOOMPAYIL VEED,
   PALLURUTHY, KOCHI.

2. AJITHKUMAR AJI,
   S/O.CHAKRAPANI,
   PULIKKAPARAMBU VEED,
   PALLURUTHY, KOCHI.

BY ADV. SRI.R.ANIL

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16/08/2007 ALONG WITH CRL.M.C.NO.2589/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.Nos.2588 & 2589 of 2007

Dated this the 16th day of August 2007

O R D E R

The petitioners are accused 1,2 and 6 in S.C.No. 1/2006 now pending before the learned Sessions Judge, Alappuzha which in turn arises from crime No.227/2005 of Mararikkulam police station. The case now stands listed for trial. This court had occasions to consider bail applications etc. in the same crime. Positive direction was issued for expeditious disposal of the case. Though that direction was not immediately complied with for various reasons, at long last, the matter stands listed for trial from 20/08/2007 onwards. The matter stands listed for trial day to day and the same stands listed till 27/10/2007. Earlier, another accused had come before this court with the prayer that the trial may be re-scheduled. That petition was dismissed by order in W.P.C.No.24160/2007 dated 08/08/2007. The petitioners have now come before this court with these Criminal Miscellaneous Cases making identical request.

2. What are the reasons? First of all it is contended that the learned counsel find it inconvenient. They need more time for adjusting their work and be present before the learned

Sessions Judge. Secondly it is contended that copies of some documents have not been furnished to the accused. Thirdly it is submitted that the listing of trial without any break works out great hardship to the lawyers.

3. A sessions case is supposed to be listed for trial day to day. I can find nothing wrong in the course adopted by the learned Sessions Judge in having listed the case for trial day to day. That course adopted by the learned Sessions Judge cannot in any way be found fault with.

4. The grievance that the copies have not been furnished must necessarily have been raised before the learned Sessions Judge. There is no contention before me that such a grievance was raised and the same did not receive due attention and concern of the learned Sessions Judge. The course adopted - of that objection being raised before this court for the first time, must certainly generate dissatisfaction and disapproval from this court. Thirdly it is contended that the schedule has been fixed and the trial is to start on 20/08/2007. Sufficient time has not been given to the parties and counsel to get prepared. The charges were framed on 06/08/2007 and the matter was posted

for trial on 20/08/2007. I am unable to agree that a grant of 14 days time may not be sufficient for parties/counsel to get prepared for trial. In the facts and circumstances of this case to which I do not want to make detailed reference, I am certainly satisfied that the learned Sessions Judge has committed no error in listing the same for trial expeditiously. The mandate of speedy trial is to ensure justice both to the accused and for the community at large. I am satisfied that the offence which was committed as early as in 2005 cannot wait any longer for trial on the grounds raised in these petitions.

5. These Criminal Miscellaneous Cases are accordingly dismissed. In case the counsel have any particular difficulty for appearing on any particular date, I have no reason to assume that they shall not raise such requests for accommodation before the learned Sessions Judge and the learned Sessions Judge shall not consider such request in accordance with law.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007